



Utah Forensic System Update Handout 2017

Historical Efforts by DHS to Address Orders to Restore Competency in a Timely Manner

1. DHS/USH - tracking growing forensic referrals from courts
2. Creation of Community Outpatient Restoration Program (ORP)
 - a. Legislative Funding received FY 2015 = \$300,000
 - b. Legislative Funding received FY 2016 = \$400,000 to expand jail based program
 - i. ORP Outcomes - SFY17: 183 Referrals; 54 Screened into ORP; 50 Restored to competency; 10 Non Restorable; 10 Referred to DSPD; 20 Other Dispositions.
3. Creation of Jail Based Restoration Program
 - a. Legislative Funding received FY 2017 - \$3,000,000
4. Other options within Strategic Plan:
 - a. Step down unit at USH, 24 additional beds
 - b. Additional inpatient forensic beds at USH; USH is currently conducting feasibility study with DFCM
5. Other System Efficiency Recommendations: Review alternative competency restoration programming; Some states restores defendants with misdemeanor charges in community outpatient programs.

Disability Law Center Class Action Law Suit and Settlement filed September 2015

TUESDAY, JULY 11, 2017 - United States District Court for the District of Utah approved a Settlement Agreement between the Disability Law Center and the Utah Department of Human Services that will provide for systemic improvements, including rapid screening and timely and individualized competency restoration treatment.

Settlement Summary

1. 72 Hours of order (excluding weekends and holidays):
 - a. Screen defendant, determine the following:
 - i. USH Admission
 - ii. Alternative Therapeutic Unit (Step Down)
 - iii. Offsite Forensic Facility (Jail Based)
 - iv. Outreach Program
 - v. Refer to DSPD
 - vi. Re-evaluation to determine if now competent
 - vii. Released from DHS custody due to unlikely restoration treatment would be effective
2. Deadlines for Maximum Allowable Wait Time:
 - a. March 31, 2018 – Maximum wait time 60 days
 - b. September 30, 2018 – Maximum wait time 30 days
 - c. March 31, 2019 – Maximum wait time 14 days

Other states under litigation have ranges from 2 days to 28 days for admit

Utah is working with other states to identify a reliable tool to make projections for future resource need.

DHS/USH to begin reporting data to court monitor November 2017 (5 year agreement if compliant).